

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 01/11/2016
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

RICHARD RIVERA,

Defendant.

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PRELIMINARY

ORDER OF

FORFEITURE/MONEY

JUDGMENT

S2 13 Cr. 814 (JMF)

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WHEREAS, on or about September 2, 2014, RICHARD RIVERA (the "defendant"), was charged in a six-count Information, S2 13 Cr. 814 (JMF) (the "Information"), with participating in a conspiracy to commit Hobbs Act robberies, in violation of 18 U.S.C. § 1951 (Count One); possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (Count Two); Hobbs Act robbery, in violation of 18 U.S.C. § 1951 (Count Three); possession of a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(C)(i), and 2 (Count Four); participating in a conspiracy to commit Hobbs Act robberies, in violation of 18 U.S.C. § 1951 (Count Five); and distributing and possessing with intent to distribute narcotics, in violation of 21 U.S.C. § 841(b)(1)(C);

WHEREAS, the Information included a forfeiture allegation with respect to Counts One, Three, and Five of the Information, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One, Three, and Five of the Information, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offenses alleged in Counts One, Three, and Five of the Information;

WHEREAS, the Information included a forfeiture allegation with respect to Count Six of the Information, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 853, of all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count Six of the Information, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense alleged in Count Six of the Information

WHEREAS, on or about September 2, 2014, the defendant pled guilty before the Honorable Jesse M. Furman to Counts One, Two, Three, Four, Five, and Six of the Information, pursuant to a plea agreement with the Government, wherein the defendant

admitted (1) the forfeiture allegation with respect to Counts One, Three, and Five of the Information and agreed to forfeit, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One, Three, and Five of the Information; and admitted (2) the forfeiture allegation with respect to Count Six of the Information and agreed to forfeit, pursuant to 18 U.S.C. § 853, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count Six of the Information;

WHEREAS, on January 8, 2016, the defendant was sentenced and ordered to forfeit \$33,693 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One, Three, and Five of the Information;

WHEREAS, the United States Attorney's Office, Southern District of New York will recommend to the Attorney General that any forfeited funds be remitted or restored to eligible victims of the offense, pursuant to 18 U.S.C. § 981(e), 28 C.F.R. Pt. 9, and/or Department of Justice's Restoration Policy;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the commission of the offenses charged in Counts One, Three, and Five of the Information, to which the defendant pled guilty, a money judgment in the amount of \$33,693 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, RICHARD RIVERA, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and

Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

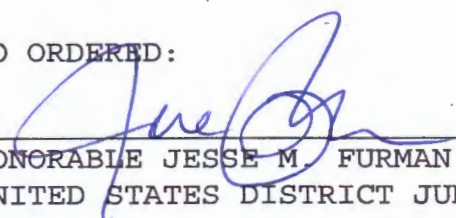
5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Jason Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
January 8, 2016

SO ORDERED:



HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE